

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 01 – SUBREGION 34**

STARBUCKS CORPORATION

and

**WORKERS UNITED LABOR UNION
INTERNATIONAL, AFFILIATED WITH
SERVICE EMPLOYEES INTERNATIONAL
UNION**

Cases 01-CA-302321

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by Workers United Labor Union International (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Starbucks Corporation (Respondent) has violated the Act as described below.

1. (a) The charge in this proceeding was filed by the Union on August 29, 2022, and a copy was served on Respondent by email and regular U.S. mail on August 30, 2022.

(b) The first amended charge in this proceeding was filed on September 22, 2022, and a copy was served on Respondent by email on September 23, 2022.

(c) The second amended charge in this proceeding was filed on November 21, 2022, and a copy was served on Respondent by email and regular U.S. mail on November 21, 2022.

2. (a) At all material times, Respondent, a Washington corporation with offices and places of business throughout the United States, including a location at 135 Talcottville Road, Vernon, Connecticut (the Vernon Store) has been engaged in operating public restaurants selling food, coffee, and other beverages.

(b) Annually, Respondent, in conducting its operations described above in paragraph 2(a), derives gross revenues in excess of \$500,000.

(c) Annually, Respondent, in conducting its operations described above in paragraph 2(a), purchases and receives at the Vernon Store goods valued in excess of \$50,000 directly from points outside the State of Connecticut.

(d) At all material times, Respondent has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

3. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

4. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent within the meaning of Section 2(11) of the Act and agents of Respondent within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

5. The following employees of Respondent constitute a unit (the Unit) appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time baristas and shift supervisors employed by the Employer at its 135 Talcottville Rd, Vernon, CT 06066 facility (Store #27448); but excluding store managers, office clerical employees and guards, professional employees, and supervisors as defined in the Act.

6. (a) On July 22, 2022, the Board certified the Union as the exclusive collective-bargaining representative of the Unit.

(b) At all times since July 22, 2022, based on Section 9(a) of the Act, the Union has been the designated exclusive collective-bargaining representative of the Unit.

7. Since about May 12, 2022, until about July 14, 2022, Respondent held effectively mandatory captive-audience one-on-one meetings with employees to discourage union activity.

8. In about June 2022 (exact dates unknown), Respondent, by (b) (6), (b) (7)(C), at the Vernon Store, by soliciting employee complaints and grievances, promised its employees increased benefits and improved terms and conditions of employment if they refrained from union organizational activity.

9. On various dates in about June 2022 (exact dates unknown), Respondent, by (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C), at the Vernon Store, threatened employees with loss of access to and communication with management if they selected the Union as their bargaining representative.

10. On various dates in about June 2022 (exact dates unknown), Respondent, by (b) (6), (b) (7)(C) threatened employees with loss of a scheduled pay increase and tuition benefit for classes at Arizona State University if they selected the Union as their bargaining representative.

11. (a) In (b) (6), (b) (7)(C) 2022 (exact date unknown), Respondent issued a written warning to its employee (b) (6), (b) (7)(C)

(b) About (b) (6), (b) (7)(C) 2022, Respondent discharged (b) (6), (b) (7)(C)

(c) Respondent engaged in the conduct described above in paragraph 11 (a) and (b) because (b) (6), (b) (7)(C) assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

12. (a) At all material times, the Union and Respondent have not yet reached an initial collective-bargaining agreement or agreed on the terms of a grievance and arbitration procedure.

(b) Respondent discharged (b) (6), (b) (7)(C) as described in paragraph 11(b) without first providing the Union notice and an opportunity to bargain over the discretionary discipline.

13. The subject set forth above in paragraph 12(b) relates to wages, hours, and other terms and conditions of employment of the Unit and is a mandatory subject for the purpose of collective bargaining.

14. Respondent engaged in the conduct described above in paragraphs 11(b) and 12(b) without prior notice to the Union and without affording the Union an opportunity to bargain with Respondent with respect to such conduct.

15. By the conduct described above in paragraphs 7 through 10, Respondent has been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of 8(a)(1) of the Act.

16. By the conduct described above in paragraphs 11(a), (b), and (c), Respondent has been discriminating in regard to the hire or tenure or terms of conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

17. By the conduct described above in paragraphs 11(b), 12(b), and 14, Respondent has been failing and refusing to bargain collectively and in good faith with the exclusive collective bargaining representative of its employees in violation of Sections 8(a)(1) and (5) of the Act.

18. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above, the General Counsel seeks an Order providing for all relief as may be just and proper to remedy the unfair labor practices alleged, including, but not limited to, requirements that Respondent:

(a) electronically distribute the Notice to Employees to all employees who are or have been employed by Respondent at the Vernon Store since January 1, 2022, by text messaging, email, posting on social media websites, and posting on internal apps

and intranet websites, if Respondent communicates with its employees by such means;

- (b) at a mandatory meeting or meetings scheduled to ensure the widest possible attendance, have Vernon (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) read both the Notice to Employees and an Explanation of Rights to all employees employed by Respondent at the Vernon Store on work time in the presence of a Board agent and a representative of the Union, or have a Board agent read the Notice to Employees and an Explanation of Rights to employees employed by Respondent on work time in the presence of a representative of the Union and (b) (6), (b) (7)(C) named above at the Vernon Store, and that a video recording of the reading of the Notice to Employees and the Explanation of Rights shall be made, with the recording being distributed to employees by electronic means or by mail.

The General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged, including an order requiring that the employee named above in paragraph 11 be made whole, including reasonable consequential damages incurred as a result of Respondent's unlawful conduct.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be **received by this office on or before January 6, 2023.** Respondent also must serve a copy of the answer on each of the other parties.

The answer must be filed electronically through the Agency's website. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. Responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted

to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on Tuesday, April 11, 2023, at 10:00 a.m., at the A.A. Ribicoff Federal Building, 450 Main Street, Suite 410, Hartford, Connecticut, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding has the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: December 23, 2022



Laura A. Sacks, Regional Director
National Labor Relations Board
Region 01 - Subregion 34

Attachments